

REMARKS

Prior to the present Office Action, claims 1-22 were pending. Claims 12-22 have been cancelled. Therefore, claims 1-11 are pending in the present case. The Examiner further rejected claims 1-11 under 35 U.S.C. § 112 as being indefinite, and claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art in view of various references. In the Office Action dated November 29, 2001, the Examiner imposed a restriction requirement on the present application. In response, Applicant has elected the claims of Group I, claims 1-11, drawn to a radially expandable tubular vascular graft, classified in class 606, subclass 194, and cancelled claims 12-22, without prejudice.

In response to the rejection under 35 U.S.C. § 112, Applicant has amended claims 1, 5 and 6. Amendments to the claims may be seen at Attachment A.

Applicant respectfully submits that the claims, as amended, are patentably distinct over the prior art. The prior art cited by the Examiner does not teach or suggest a reinforcing tape that is spirally wrapped around a tubular base graft in its expanded diameter, as called for in Independent Claim 1.

The Examiner noted that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to wrap a reinforcing filament around the tape because such is well known in the art for strengthening the tape.” However, as is well known in the art, body vessels are particularly sensitive to subtle differences in implantable devices. As such, Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art to use a spirally wound external reinforcement tape in conjunction with a vascular graft as called for in Independent Claim 1. Such tape furthermore provides the unexpected benefit of allowing surgeons to suture grafts into native vessels (although it was originally used for structural integrity).

CONCLUSION

Applicant believes the foregoing amendment places this application in condition for allowance and early, favorable, action on the merits is respectfully requested. If for


any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at telephone number (949) 250-6832 to discuss the steps necessary for placing the application in condition for allowance.

The commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment associated with this Response, to Deposit Account No. 03-3975.

Respectfully submitted,
PILLSBURY WINTHROP LLP

Dated: 05/29/02

By: _____


Nicole S. Bradley
Registration No. 48,718
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on 05/29/02.

By: _____


Lisa Ralph

ATTACHMENT A: CHANGES TO THE CLAIMS

In the Claims

Please amend claims 1, 5, and 6 as follows:

1. A radially expandable tape-reinforced tubular vascular graft, comprising:
a tubular PTFE base graft formed by a preliminary step of expansion so as to have an expanded porosity and an expanded diameter; and
a reinforcing tape spirally wrapped around the tubular base graft in its expanded diameter to form a combined tubular PTFE base graft, the reinforcing tape being initially formed by a preliminary step of expansion so as to have an expanded porosity; and wherein
the combined tubular PTFE base graft in its expanded diameter and the expanded reinforcing tape are radially reduced in size to a radially decreased diameter to form the radially expandable tape-reinforced tubular vascular graft suitable for introduction and re-expansion of the base graft in the vasculature, each of the base graft and tape in the vascular graft prior to re-expansion of the base graft having a porosity less than its expanded porosity.
5. The vascular graft of claim 4, wherein the combined tubular PTFE base graft in its expanded diameter and the reinforcing tape are radially reduced in size by positioning the combination around a first cylindrical mandrel having an outside diameter smaller than [the] an inside diameter of the base graft and heating to a sintering temperature.
6. The vascular graft of claim 4, wherein the combined tubular PTFE base graft in its expanded diameter and the reinforcing tape are radially reduced in increments by positioning the combination around a series of progressively smaller cylindrical mandrels having outside diameters always smaller than [the] an inside diameter of the base graft and heating to a sintering temperature.